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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,230	10/03/2003	Keisuke Fukushima	2003_1350A	8607

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WASHINGTON, DC 20006-1021

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/677,230

Applicant(s)

FUKUSHIMA, KEISUKE

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,233,986 to Suzuki et al.

Suzuki discloses a electrically-operated steering lock device having a lock shaft (14) which is movable between a protruded position where a steering shaft (9) is locked and a retreat position where the steering shaft is unlocked, and lock shaft moving means (34) coupled to an electric motor (18) and serving for moving the lock shaft, the electrically-operated steering lock device further comprising, protrusion blocking means (45) which is electrically driven (column 11, lines 9-12) and which, when the lock shaft is placed at a retreat position, engages with an recess portion (14b) formed in the lock shaft to block protrusion of the lock shaft, and holding means (column 7, lines 21-36) for holding the protrusion blocking means to a position where protrusion of the lock shaft is blocked, as in claims 1 and 6.

Suzuki also discloses the lock shaft moving means comprises a spring (17) for biasing the lock shaft to a protrusion position, and an electrically-operated member (23) which is to be engaged with an engagement recessed portion (column 5, lines 19-29) formed in the lock shaft to move the lock shaft to the retreat position, as in claims 2 and 7, as well as the protrusion

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blocking means is a solenoid (column 11, lines 9-12) having a plunger (45a) which is to be engaged with the engagement portion formed in the lock shaft, as in claims 3 and 8.

Suzuki further discloses the lock shaft moving means enables the lock shaft to move to the protrusion position when the electric motor rotated forward (column 7, lines 49-59), and enables the lock shaft move to the retreat position when the electric motor is rotated reverse (column 8, lines 45-49), and the holding means is the engagement portion formed in the lock shaft, and wherein, in a state that the engagement with the engagement portion has been released by reverse rotation of the electric motor, the lock shaft is allowed to protrude by forward rotation of the electric motor (column 8, lines 50-61), as in claims 4 and 9.

Suzuki additionally discloses the receiving portion having a recess portion (14b) of the lock shaft and the protrusion blocking device including a plunger (45a) having a flange portion (figure 12) that is extendable into the recess portion of the lock shaft to create the engagement of the protrusion blocking device with the receiving portion and that is engageable with the holding part to prevent retraction of the flange portion from the receiving portion (column 7, lines 21-36), as in claims 5 and 10.

### ***Response to Arguments***

Applicant's arguments filed September 7, 2004 have been fully considered but they are not persuasive. Regarding the argument that the protrusion blocking device of Suzuki is not electrically operated (page 8, lines 13-23, and page 10, lines 1-19 of the current remarks), the examiner respectfully disagrees. Suzuki discloses, as stated in the prior Office action, an electric drive means such as an electromagnetic solenoid, to be used as a holding lever, i.e. protrusion

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blocking device, which is engageable with the blocking device receiving portion of a lock shaft. Furthermore, the examiner never suggested that Suzuki's preferred embodiment was the embodiment to which anticipates the current application. The preferred embodiment of Suzuki contains an inner wire to actuate the holding lever, whereas the embodiment the examiner relies upon uses an electric drive means, such as an electromagnetic solenoid, to actuate the holding lever into a blocking position, to retain the lock shaft in a retracted position. Therefore, the applied Suzuki reference plainly anticipates the current invention.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial 'D'.

CJB *CB*  
November 22, 2004

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600